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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,721	12/26/2000	Kazuki Matsui	1405.1030 (JDH)	9516
21171	7590	11/28/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER RETTA, YEHDEGA	
			ART UNIT	PAPER NUMBER
			3622	
			MAIL DATE	DELIVERY MODE
			11/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/745,721

Applicant(s)

MATSUI ET AL.

Examiner

Yehdega Retta

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendments filed April 12, 2007. Applicant amended claims 1-3 and 10-12. Claims 1-12 are still pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-3 and 10-12 recite consulting said given person's itinerary more than once from a beginning to an end of a period according to said given person's itinerary. Applicant provides support on page 2 and 3 of the specification. However the section teaches as follow;

An aim of present invention is, without need for sophisticated analytical results, to provide commodities or service information by which optimal advertising effectiveness is targeted to users using the Internet, and, with travelers in transit as the object, to provide at optimal timings and optimal points advertising information that the travelers concerned need, elevating the effectiveness of advertising on the travelers. Applicant asserts "with the travelers in transit as object, [provides] optimal timings and optimal points advertising information" (the travelers being in transit means within a period between a beginning and an end of traveling according to the itinerary). Additionally, in the indicated portion of the specification, following consulting the itinerary, information is

broadcast "in connection with the dates and times and/or places concerned" (i.e. more than one date/time/place). Applicant further states that information being broadcast following the consulting more than once is inherently disclosed because otherwise it would not be possible to take in consideration adjustments according to the travel progress.

According to the specification the transit time of the traveler might be considered but it does not mean the itinerary is consulted more than once. The system by consulting the itinerary once would be able to realize that the travelers schedule includes the beginning and ending of a travel period, since flight itinerary provide traveler's travel date/time/place including time between flight if the traveler's plan includes transfers or stops. Therefore, consulting the stored itinerary more that once is not inherently disclosed as originally disclosed by applicant's specification. Therefore, the newly claimed feature is considered new matter.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites, automatically broadcasting to one or more information terminals and at least one communication address for said given person, pre-registered advertising information or reference information in connection with dates and times when consulting said given person's itinerary, and/or places the given person's itinerary indicates when consulted, and adjusted according to a travel progress determined from travel ticket usage information or replacement ticket information, said given person. It is unclear if the information is in connection to dates and times and/or places and it is unclear if the itinerary is adjusted or is consulted according to the adjusted travel progress. It is also unclear if the itinerary is adjusted according to a travel progress determined from consulting travel ticket usage information... It is unclear what

“information in connection with dates and times when consulting said given person's itinerary, and/or places the given person's itinerary indicates when consulted, and adjusted according to a travel progress” means. It is also unclear if the travel ticket usage information, etc. is part of the itinerary. It is also unclear if the consulting is done according to the person's itinerary or the beginning and ending of the period is according the person's itinerary. Clarification is required.

Claims 2, 3 and 10-12 are also rejected for the same reason.

Claim Rejections - 35 USC § 103

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stiles et al. (US 6,842,737) in view of Sehr (US 6,085,976).

Regarding claims 1-3, 10-12, Stiles teaches automatically broadcasting to an information terminal for a given person pre-registered advertising information or reference information in connection with dates and times and/or places appropriate to the an itinerary (see abstract, col. 1 line 27 to col. 2 line 22; col. 3 lines 25-39, col. 7 line 29 to col. 8 line 53). Stiles teaches providing travel-plan schedules to third parties and accepting from the third part relevant information and broadcasting at predetermined timings the relevant information (see col. 7 line 10 to col. 8 line 53, col. 9 lines 30 to col. 10 line 25 and fig 18). Stiles teaches broadcasting pre-registered advertising information or reference information to a communication device according progress of an initial travel schedule or according to an updated travel schedule (see col. 16 lines 1-67, col. 7 lines 39-67). Stiles teaches the travel intelligence report (TIR) linked to a travel agency web site and being presented to a traveler while purchasing an airline ticket. Stiles teaches (see abstract) “(t)he associated system performs these functions, among others, to provide information for a traveler planning a trip to a particular destination or destinations”, i.e.,

providing information according to the time or place of the first destination and the time and place of the second destination, which is the progress of the travel schedule (same as applicant's invention). Stiles does not explicitly teach travel progress determined from a travel schedule which is updated using travel progress information which includes at least one of travel ticket usage information or replacement ticket information. Sehr teaches collecting ticket data (usage data) and transferring the data to a central computer. Sehr teaches that the data collected could be for railroad stations or airport facilities and the data can be gathered and forwarded to the transport provider for marketing/promotional programs (see col. 11 lines 3-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Sehr's card or ticket station in Stiles's travel information system to collect the ticket usage data as in Sehr and use the data to provide marketing or promotional information based on the time or location of the travel, as in Stiles.

Regarding claims 4-9, Stiles teaches predetermined personal information stored correlating with the communication addresses wherein the addresses are changed according to travel-plan schedule wherein the third part is billed according to broadcast count, etc (see col. 2 lines 4-22, col. 8 line 14 to col. 9 line 28, col. 9 line 37 to col. 10 line 65).

Response to Arguments

Applicant's arguments filed September 13, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that "Sehr is directed to a travel system and methods that encompass a plurality of service providers and multi-application passenger cards", the test

for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant asserts as stated in the outstanding Office Action, Sehr does teach collecting "demographics information" (see col. 11, lines 28-29 of Sehr). Applicant argues however, the information is collective information and not related to a "given person" as is the case in claim 1. Applicant further argues Sehr does not teach or suggest tracking travel progress based on ticket usage information. Applicant asserts in order to monitor the travel progress, it is necessary to store an individual initial itinerary which may be updated according to travel progress prior to a certain travel segment linked to Sehr's service providers. Therefore, Sehr fails to correct or compensate for the above identified failure of Stiles to teach "broadcasting to [...] said given person, pre-registered advertising information or reference information in connection with dates and times when consulting said given person's itinerary, and/or places which the given person's itinerary indicates when consulted, and adjusted according to a travel progress determined from travel ticket usage information or replacement ticket." Examiner respectfully disagrees. The service of Sehr comprises of travel arrangements, such as reservations or cancellations and electronic ticketing or payments; transportation support, such as traffic management and capacity planning; and card-based marketing or sales promotions, such as loyalty and frequent traveling programs or other value-added benefits delivery schemes and demographics information, together with other passenger or travel related data, gathered and forwarded to the transport

provider for marketing/promotional programs. This field also gathers marketing data about the passenger's traveling records and purchase patterns, including the number and type of trips performed and of goods or services purchased; as well as where, when and what carrier or payment form was used to travel or to pay for the goods and services. This marketing data is then forwarded to the appropriate system entities, including the service providers, for analysis. Sehr also the card can generate incremental sales revenues by renting out card-space to corporate sponsors, such as for promotional programs or co-branding schemes, Sehr teaches card-based marketing or sales promotions, which indicates that the information collective information is related to a "given person". The only difference between Sehr's and applicant's claimed invention is that the marketing or advertisement is broadcasted to information terminal not a to a smart card as in Sehr. Sehr teaches a card station (same as applicant's travel ticket reading device) connected to travel center and service provider (see fig. 1) and also teaches providing promotional program based on ticket use or substitute ticket. Therefore, it would have been obvious to one of ordinary skill in the time of the invention to connect a card station, as in Sehr to Stiles travel service in order to take advantage of the features taught in Sehr, i.e., providing promotional or marketing message according to ticket use.

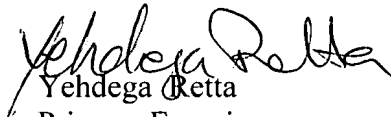
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Yehdega Retta
Primary Examiner
Art Unit 3622

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